



**Department of Energy  
National Nuclear Security Administration  
MOX Project Management Office  
Savannah River Site  
P.O. Box A  
Aiken, South Carolina 29802**  
August, 3, 2015



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Dear Mr. Hicks and Mr. Newell:

SUBJECT: Safeguarding MOX Fuel Fabrication Facility Project Documents  
Washington Government Environmental Services Company LLC, Engineered  
Products Division v. Shaw AREVA MOX Services, LLC, Case No. 3:14-cv-  
02125

This correspondence responds to your inquiry regarding production by MOX Services of project documents in the above-referenced litigation. We understand Washington Government Environmental Services Company LLC (WGES) contends that MOX Services' document production will not constitute a public release, and therefore, no security review is required prior to production. This letter confirms that, on the contrary, a security review must take place before documents are produced to WGES.

The MOX Project is a classified subject area and is subject to project-specific classification guidance for classified and sensitive topics - CG-MOX-1 Joint DOE/NRC Classification and Unclassified Controlled Nuclear Information Guide for the Mixed Oxide Fuel Fabrication Facility. The project's information and documents are also subject to numerous regulations and DOE orders govern the safeguarding, marking and release of sensitive information. These include, but are not limited to: UCNI designations under 10 C.F.R. Part 1017, as part of DOE's implementation of 42 U.S.C. § 2168 of the Atomic Energy Act, and DOE M 471.1-1; OUO determinations pursuant to DOE Order 471.3, and SUNSI disclosures governed by 10 C.F.R. § 2.390. The prime contract between NNSA and MOX Services imposes these and other security requirements on MOX Services, including but not limited to the following

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clauses and directives: DEAR 952.204-2 Security Requirements (AUG 2009), DEAR 952.204-70 Classification/Declassification (SEP 1997), DEAR 952.204-71 Sensitive Foreign Nations Controls (APR 1994), DEAR 970.5204-1 Counterintelligence (DEC 2000), DOE Manual 205.1-4 National Security System Manual, and DOE Order 475.2A Identifying Classified Information. Any information that potentially contains secure or sensitive information must undergo security review before it is released, including release for the purposes of litigation. NNSA understands the Subcontract between MOX Services and WGES also imposes security requirements upon WGES.

NNSA appreciates you bringing this matter to our attention. NNSA does not seek to frustrate the discovery process, but wishes to facilitate it while ensuring the various security considerations related to DOE and NNSA data are met. Please keep us apprised of any further development with respect to these discovery matters.

Respectfully,



Lance Nyman  
Contracting Officer

NA-APM-15-0137

cc:

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